

Jury Probes Wiretap

5 Va. FBI Agents Suspended

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Five Federal Bureau of Investigation agents, including the head of the bureau's Richmond office, have been placed on administrative leave pending the outcome of a grand jury investigation into an illegal Richmond police wiretap.

The action, taken at the direction of Deputy Attorney General Harold R. Tyler Jr., was believed unprecedented according to Justice Department officials.

The action reflected both the department's and FBI Director Clarence M. Kelley's determination to strengthen internal controls over the bureau, according to the officials. The FBI recently has been accused by some mem-

bers of Congress of overstepping its mandate.

A Justice Department spokesman said the decision to place the men on administrative leave with pay was the product of several meetings between Tyler and Kelley.

"We have been talking about this thing from the beginning and (Tyler and Kelley) have been talking about what to do" while the investigation continued, the spokesman said.

The Richmond investigation began before a federal grand jury there July 21 and is concentrating on whether some of the FBI agents could be indicted for obstruction of justice, according to a source familiar with the case. The agents discovered an illegal wiretap on a Henrico County telephone, outside Richmond,

and failed to confiscate the device, the source said.

Instead, the agents returned the wiretapping device to Richmond police, who were conducting the wiretap, an action that violated Justice Department rules, the source said.

Justice Department officials have also said that the bureau's initial report on the wiretapping incident was "less than complete" and that when the report's shortcomings were noticed by an assistant U.S. attorney in Richmond, the Justice Department called for a broader investigation.

The grand jury investigating the incident will reconvene in Richmond next Monday, but U.S. Attorney William B. Cummings said yesterday.

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day that the investigation could continue into September and that possible indictments are not expected next week.

Any indictments of the agents would mark the first time any FBI agent has ever been indicted on charges growing out of his official role, Justice Department officials said. Department officials also said yesterday that the use of administrative leave is apparently new to the bureau.

Although neither Justice nor FBI spokesmen would name the five individuals involved in the action, it was learned that they were: James E. Decker, 43, special agent in charge of the Richmond office, his assistant, L. G. Brockman, and agents Hugh McMenamin, Delbert Roberts, and Warren Delp. All were placed on leave with pay a week ago yesterday.

A Justice Department spokesman declined to say what percentage of the FBI's Richmond office was affected by the action. "The department does not disclose the deployment of its agents," he said.

Herbert E. Hoxie, an acting

assistant director of the FBI in the Washington headquarters, was dispatched to Richmond to take charge of the office, pending the completion of the grand jury investigation.

The bureau said it "is not participating in the handling of the inquiry and is not conducting its own internal inquiry at the present time so as not to interfere with the grand jury investigation."

A former Richmond policeman, working as a maintenance man at a Henric apartment complex, triggered the investigation when he noticed wiretap equipment in an apartment and summoned FBI agents.

Delp, McMenamin and Roberts went to the apartment to investigate, but instead of confiscating the device and reporting the incident as a violation of federal wiretap laws, the device was returned to Richmond police the source said. It since reportedly has been lost.

Richmond Police Chief Frank Duling, refusing to comment on the specifics of the incident, has said that any wiretapping by his department was unauthorized. Under Virginia law, wiretaps must be approved by state courts and the state attorney general's office and then conducted by

State Police, which the Richmond one was not.

Both Duling and Don Howren, the Henrico County commonwealth's attorney, have said they will await the outcome of the federal investigation before acting on the allegations.

Since disclosure of the wiretap, a Richmond radio and clock salesman has said he was the victim of the wiretap and that he plans to sue the Richmond police department after the grand jury completes the investigation.

Jamil Ramadan, a native of Palestine, has testified before the jury. He has told newsmen he has no idea why his telephone was tapped. He speaks little English and came to the U.S. four years ago to live with relatives in the Richmond area, relatives said.

The section of law that the grand jury is considering is the obstruction of justice statute. It makes it a felony to "willfully misrepresent, delay, or obstruct the gathering of information about any federal crime. Upon conviction, a sentence of up to a \$5,000 fine, imprisonment of up to five years, or both, can be imposed.